

**JUL 28 2006**

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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JESUS ASCENCIO-LAZARO; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-70133

Agency Nos. A75-756-997  
A75-756-998

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Husband and wife Jesus Ascencio-Lazaro and Irais Ramos-Carillo, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

their applications for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *See Sanchez-Cruz v. INS*, 255 F.3d 775, 779 (9th Cir. 2001). We deny the petition for review.

Petitioners contend that the IJ violated due process by denying a continuance, refusing to consider evidence, and otherwise preventing them from presenting their case. Contrary to their contentions, the proceedings were not “so fundamentally unfair that [they were] prevented from reasonably presenting [their] case.” *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (citation omitted). Moreover, petitioners failed to demonstrate prejudice. *See id.* (requiring prejudice to prevail on a due process challenge).

**PETITION FOR REVIEW DENIED.**